

### REMARKS

The Examiner is thanked for entering the Request for Continued Examination filed on November 14, 2005.

#### I. STATUS OF CLAIMS

Claims 34-84 have been added. Claims 23, 26, and 29 have been canceled. No claims have been amended. Hence, Claims 1, 5-7, 9-16, 18-22, and 32-84 are currently pending in the application.

Each issue raised in the Office Action mailed on January 23, 2006 is addressed hereinafter.

#### II. INDEPENDENT CLAIM 1

Independent Claim 1 has been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Harrison et al., U.S. Patent No. 6,611,725 (“HARRISON”) in view of non-patent article “SVG Basic Example” by Ken Sall (“SALL”), further in view of non-patent article “Integration by Parts: XSLT, XLink and SVG” by Didier Martin (“MARTIN”), and further in view of Lewallen, U.S. Patent No. 6,675,230 (“LEWALLEN”). The rejection is respectfully traversed.

Claim 1 recites:

...  
inserting into the SVG document a reference to a second document type definition file, said second document type definition file defining a **binding element with an attribute for referencing a resource through a pointer**, wherein the resource includes information pertaining to the object;  
**wherein the resource is a database and the pointer includes a query for a data item in the database; and**  
**binding to the SVG statements the pointer to the resource from an instance of the binding element.**

It is respectfully submitted that HARRISON, SALL, MARTIN, and LEWALLEN, whether taken alone or in combination, do not teach, describe, or suggest the features of Claim 1 highlighted above.

- A. None of HARRISON, SALL, MARTIN, and LEWALLEN describes or suggests the feature of Claim 1 of a second DTD file defining a binding element with an attribute for referencing a resource through a pointer.

In response to the previous Office Action, the Applicants argued that none of HARRISON, SALL, MARTIN, and LEWALLEN describes or suggests the feature of Claim 1 of a second document type definition (DTD) file defining a **binding element with an attribute for referencing a resource through a pointer**. The present Office Action, however, does not respond to the Applicants' previous arguments and fails to explain exactly what in HARRISON, SALL, MARTIN, or LEWALLEN it considers as corresponding to the above feature.

In an Office Action "the particular part relied on must be designated as nearly as practicable ... The pertinence of each reference, if not apparent, must be clearly explained ..." (MPEP §707, citing 37 C.F.R. §1.104(c)(2)), and "the particular figure(s) of the drawings(s), and/or page(s) or paragraph(s) of the reference(s), and/or any relevant comments briefly stated should be included." (MPEP §707). The present citations to the references, however, do not provide the Applicants with adequate notice or reasonable particularity with respect to the basis of the rejection of Claim 1. Specifically, a large portion of MARTIN (entire page 2) is cited in a non-specific way as allegedly showing the above feature of Claim 1. As a result, the Applicants have had to engage in guesswork to determine what in MARTIN can possibly correspond to the above feature of Claim 1. The Applicants cannot see any structure or functions in MARTIN that correspond to the above feature of Claim 1.

As best understood by Applicants, the Office Action seems to assert that the container of locators described in MARTIN correspond to the binding element featured in Claim 1. This is incorrect.

In page 2 of 6, MARTIN states:

To model this containment relationship, we'll use the XLink domain language. XLink is a fast-maturing W3C standard for describing links between (and inside) documents in XML. In particular, for our containment relationship, we will use **the xlink:extended construct, which itself is a container of locators**. A part containing other parts is a collection. Thus, in our model, a part containing other parts will inherit from the xlink:extended features and become a collection element containing locators. **A part contained in another part inherits from the xlink:locator features and then becomes an element contained in a collection**. Each element contained in the collection points to a portion of the illustration (the SVG document). (Emphasis added.)

While the above passage may be teaching a mechanism for describing links between XML documents by using an XLink linking construct (the *xlink:extended* construct), nothing in the above passage teaches or suggests a **binding element with an attribute for referencing a resource through a pointer**, as featured in Claim 1. Specifically, while the above passage may be describing the linking construct as a container of locators, nothing in the above passage or in any other passage of MARTIN teaches or suggests that the locators may be **attributes** of the linking construct, where the **attributes** are used for referencing a database resource through a pointer. In fact, MARTIN expressly states that the locators in the container of locators are **elements** that are instantiated and inherit features from the *xlink:locator* construct. In addition, absolutely nothing in MARTIN teaches or suggests that any locator elements are defined in a DTD file. In contrast, Claim 1 features a DTD file that defines a binding element.

Further, the Office Action asserts that in col. 2, lines 55-65, HARRISON describes the feature of Claim 1 of binding to the SVG statements the pointer to the resource from an instance of the binding element. However, in col. 2, lines 55-65, HARRISON does not describe anything that is even remotely related to **an instance** of a binding element, let alone describe an instance of a locator element as described in MARTIN. In effect, with respect to the binding element feature of Claim 1, the Office Action alleges that this feature is described in both MARTIN and HARRISON. However, the interpretation of the feature provided by the Office Action is not consistent between these two references.

For these reasons, MARTIN and HARRISON, whether taken alone or in combination, do not describe or suggest the feature of Claim 1 of a second document type definition file defining a binding element with an attribute for referencing a resource through a pointer.

- B. LEWALLEN does not describe or suggest the feature of Claim 1 of a resource that is a database and a pointer that includes a query for a data item in the database.

Claim 1 includes the feature of a second DTD file defining a binding element with an attribute for referencing a resource through a pointer, **wherein the resource is a database and the pointer includes a query for a data item in the database.** The Office Action asserts this feature is described in col. 9, lines 15-17 of LEWALLEN. This is incorrect.

First, as discussed above, none of HARRISON, SALL, MARTIN or LEWALLEN describes a binding element with attributes for referencing a resource, as featured in Claim 1. Since LEWALLEN does not describe a binding element with attributes for referencing a resource, LEWALLEN cannot possibly describe a binding element attribute for referencing a resource **through a pointer**, where the **pointer includes a query** for a data item in a database.

Second, in col. 9, lines 15-17, LEWALLEN states that a “mixed statement program may include Java Database Connectivity (JDBC\*\*) calls to perform queries to access data from a database.” However, absolutely nothing in LEWALLEN teaches, describes, or suggests that a JDBC call may be included in an attribute of a binding element. On the contrary, the statements and JDBC calls in LEWALLEN are part of a mixed statement program written in Java or other programming languages. (LEWALLEN, col. 5, lines 3-11.) Thus, the statements or JDBC calls that may include queries to access data are basically executable lines of code written in a particular programming language, and are NOT pointers stored in a binding element attribute for referencing a resource, as featured in Claim 1.

For the above reasons, LEWALLEN does not teach or suggest the feature of Claim 1 of a resource that is a database and a pointer that includes a query for a data item in the database.

In sum, HARRISON, SALL, MARTIN, and LEWALLEN, whether taken alone or in combination, do not teach all features of Claim 1. Thus, Claim 1 is patentable under 35 U.S.C. §103(a) over HARRISON, SALL, MARTIN, and LEWALLEN. Reconsideration and withdrawal of the rejection of Claim 1 is respectfully requested.

C. There is no suggestion or motivation to combine HARRISON, SALL, MARTIN, and LEWALLEN.

To establish a *prima facie* case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Further, the proper inquiry is whether there is something in the prior art as a whole to suggest the desirability of making the entire combination of claimed limitations. *In re Fulton*, 391 F.3d 1195, 1200-01, 73 USPQ2d 1141, 1145-46 (Fed. Cir. 2004). The Court of Appeals for the Federal Circuit has recently re-iterated that “the tests of whether to combine references need to be applied rigorously.” *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001).

However, as stated by the Court of Appeals for the Federal Circuit, “[t]o imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome where that which only the inventor taught is used against its teacher.” *W.L. Gore & Assocs v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Further, it is “impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious”

and that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992); quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

Based on the foregoing principles, there is no suggestion or motivation to combine the teachings of HARRISON, SALL, MARTIN, and LEWALLEN in order to obtain the entire combination of features recited in Claim 1. Thus, the Office Action has not established a *prima facie* case of obviousness under 35 U.S.C. §103(a).

For an alleged suggestion or motivation to combine the cited references, the Office Action states in page 4:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harrison to include svg statement in an editor associating with an image as taught by Sall, providing the benefit of and example of displaying images with svg (Sall, page 1, 1<sup>st</sup> line) and providing 2D projected views on scalable vector graphics file format (Harrison, col 2, lines 16-27), further to include integration of parts of XML and SVG for distinguishing parts that contain other parts from the contained parts as taught by Martin, providing the benefit of facilitating the manipulation, linking and searching of graphical content to publish and manage content and exchange of content between fools during authoring process for a more dynamic web experience for end-user, which was well known in the art at the time of the invention (for evidentiary support, see W3C Releases First Working Draft of Scalable Vector Graphics Specification, 1999, page 2), further to include queries to access data from a database as taught by Lewallen, providing the benefit of an improved platform to allow Java applications to access operating system components and objects outside of the area of execution of the Java program used on a graphical user interface (Lewallen, col 3, lines 12-20) with Scalable Vector Graphics (col. 8, line 60).

From the above passage, Applicants cannot determine what exactly is the desirability alleged in the Office Action for combining HARRISON, SALL, MARTIN, and LEWALLEN to make the entire combination of features included in Claim 1. At best, the above passage merely strings together the purported benefits of each of reference. However, such “stringing” of references is

certainly NOT the rigorous application of suggestion or motivation tests required by the Court of Appeals for the Federal Circuit in *McGinley v. Franklin Sports, Inc.*

Further, the above passage clearly shows that the Office Action uses impermissible hindsight in combining HARRISON, SALL, MARTIN, and LEWALLEN to make the entire combination of features included in Claim 1. Contrary to the holding of *In re Fritch*, the Office Action uses Claim 1 as a template onto which portions of the disclosures of HARRISON, SALL, MARTIN, and LEWALLEN are mapped. The alleged suggestion or motivation to combine these references is nothing more than an afterthought intended to explain the picking and choosing of isolated disclosures.

For example, HARRISON describes a computer drawing system in which two-dimensional (2D) drawing documents are created from three-dimensional models (3D), where the 2D models may be enhanced through the addition of annotations added by a user using a computer-based annotation tool. (HARRISON, col. 4, lines 37-40.) On the other hand, LEWALLEN describes a system for implementing components of a user interface as an object, where the system allows Java applications to access operating system components and user interface objects outside of the area of execution of the Java program in order to take advantage of the objects and interfaces available in different operating system platforms. (LEWALLEN, col. 3, lines 13-18, 26-28.) Thus, the disclosures of HARRISON and LEWALLEN are clearly dissimilar and isolated.

In addition, the only relevance of the LEWALLEN disclosure seems to be that it conveniently includes all of the words “SVG”, “query”, and “database” recited in Claim 1. However, in the LEWALLEN disclosure the word “SVG” appears in the context of an SVG browser plug-in provided by Adobe Systems, Inc. (see, for example, col. 11, lines 23-25) and the words “query” and “database” appear in the context of a JDBC API (see, for example, col. 9,

lines 12-29). Significantly, neither the word “SVG” nor the words “query” and “database” appear in the LEWALLEN disclosure in the context of SVG documents or XML elements included in such SVG documents. The mere presence of keywords in a reference is not a disclosure or a suggestion of the claimed invention.

For these reasons, the cited references do not provide the requisite suggestion or motivation to combine HARRISON, SALL, MARTIN, and LEWALLEN in order to make the entire combination of features included in Claim 1. Thus, Claim 1 is patentable under 35 U.S.C. §103(a) over HARRISON, SALL, MARTIN, and LEWALLEN. Reconsideration and withdrawal of the rejection of Claim 1 is respectfully requested.

### III. DEPENDENT CLAIMS 5-7, 9-16, 18-22, AND 32-33

Claims 6-7, 10-12, 14-15, 18-22, and 32-33 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over HARRISON in view of SALL, further in view of MARTIN, and further in view of LEWALLEN. Claims 5, 13, and 16 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over HARRISON in view of SALL, further in view of MARTIN, further in view of LEWALLEN, and further in view of Chithambaram et al., U.S. Patent No. 6,674,445 (“CHITHAMBARAM”). Claim 9 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over HARRISON in view of SALL, further in view of MARTIN, and further in view of Sorge et al., U.S. Patent No. 6,565,609 (“SORGE”).

Each of Claims 5-7, 9-16, 18-22, and 32-33 depends from independent Claim 1, and thus includes each and every feature of the independent claim. Furthermore, in rejecting Claims 5, 9, 13, and 16 the Office Action relies explicitly on HARRISON, SALL, MARTIN or LEWALLEN, and not on any of the other references (CHITHAMBARAM or SORGE), to support prior disclosure of the subject matter of Claim 1. Thus, since as shown above HARRISON, SALL, MARTIN, and LEWALLEN fail to teach the subject matter of Claim 1, any combination of



HARRISON, SALL, MARTIN, and LEWALLEN with the other references necessarily fails to teach the subject matter of dependent Claims 5-7, 9-16, 18-22, and 32-33. Therefore, each of Claims 5-7, 9-16, 18-22, and 32-33 is allowable for the reasons given above for Claim 1. In addition, each of Claims 5-7, 9-16, 18-22, and 32-33 introduces one or more additional features that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those features is not included at this time. Claims 5-7, 9-16, 18-22, and 32-33 are allowable for at least the reasons given above with respect to Claim 1.

#### IV. NEW INDEPENDENT CLAIMS 34, 51, AND 68

Each of Claims 34, 51, and 68 includes features similar to the features of Claim 1 discussed above. For this reason, Claims 34, 51, and 68 are patentable under 35 U.S.C. § 103(a) over HARRISON in view of SALL, further in view of MARTIN, and further in view of LEWALLEN for at least the reasons given above with respect to Claim 1.

#### V. NEW DEPENDENT CLAIMS 35-50, 52-67, AND 69-84

Each of Claims 35-50, 52-67, and 69-84 depends from one of independent Claims 34, 51, and 68, and thus includes each and every feature of the corresponding base claim. Therefore, each of Claims 35-50, 52-67, and 69-84 is allowable for the reasons given above for Claims 34, 51, and 68. In addition, each of Claims 35-50, 52-67, and 69-84 introduces one or more additional features that independently render it patentable. However, due to the fundamental differences already identified, to expedite the positive resolution of this case a separate discussion of those features is not included at this time. Therefore, Claims 35-50, 52-67, and 69-84 are allowable for at least the reasons given above with respect to Claim 1.

VI. CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed. Further, for the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

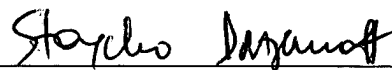
To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 52-1302.

Respectfully submitted,

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